



General Assembly

Substitute Bill No. 5706

January Session, 2005

* _____ HB05706HS_APP031705 _____ *

**AN ACT CONCERNING GRANDPARENTS CARING FOR
GRANDCHILDREN AND FOSTER CARE SUBSIDIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-126 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) As used in this section, "relative caregiver" means a person who
4 is caring for a child related to such person because the parent of the
5 child has died or become otherwise unable to care for the child for
6 reasons that make reunification with the parent not a viable option
7 within the foreseeable future and "commissioner" means the
8 Commissioner of Children and Families.

9 (b) The Commissioner of Children and Families shall establish a
10 [program of] subsidized guardianship program for the benefit of
11 [children] any child (1) in the care or custody of the commissioner who
12 [are] is living with a relative [caregivers] caregiver and who [have] has
13 been in foster care or certified relative care for not less than [eighteen]
14 twelve months, [. The commissioner, within available appropriations,
15 may establish a program of subsidized guardianship for the benefit of
16 children in the care or custody of the commissioner who are living
17 with relative caregivers and who have been in foster care or certified
18 relative care for not less than twelve but not more than eighteen
19 months] or (2) who is living with a relative caregiver who has been

20 appointed guardian or coguardian of the child by any court of
 21 competent jurisdiction because the parent of the child has died or is
 22 terminally ill and the child is at risk of foster placement and the income
 23 of the relative caregiver is less than three hundred per cent of the
 24 federal poverty level. The commissioner may establish an asset test for
 25 eligibility under the program that shall apply only to the child's assets.

26 (c) A relative caregiver may request a guardianship subsidy from
 27 the commissioner, on such form as the commissioner prescribes, in
 28 accordance with this section. If adoption of the child by the relative
 29 caregiver is an option, the commissioner shall counsel the caregiver
 30 about the advantages and disadvantages of adoption and subsidized
 31 guardianship so that the decision by the relative caregiver to request a
 32 subsidized guardianship may be a fully informed one.

33 [(c)] (d) The subsidized guardianship program shall provide the
 34 following subsidies for the benefit of any child [in the care of a relative
 35 caregiver who has been appointed the guardian or coguardian of the
 36 child by any court of competent jurisdiction] described in subdivision
 37 (1) or (2) of subsection (b) of this section: (1) A special-need subsidy,
 38 which shall be a lump sum payment for one-time expenses resulting
 39 from the assumption of care of the child when no other resource is
 40 available to pay for such expense; [and] (2) a medical subsidy
 41 comparable to the medical subsidy to children in the subsidized
 42 adoption program if the child lacks private health insurance; [. The
 43 subsidized guardianship program shall also provide] and (3) a
 44 monthly subsidy [on behalf of the child] payable to the relative
 45 caregiver that [shall be] (A) for a child who qualifies pursuant to
 46 subdivision (1) of subsection (b) of this section, is equal to the
 47 prevailing foster care rate, and (B) for a child who qualifies pursuant to
 48 subdivision (2) of subsection (b) of this section, is equal to the
 49 prevailing foster care rate less the amount of any benefits for survivors
 50 under the Social Security Act, or federal Social Security disability
 51 income that the child is currently receiving. [The commissioner may
 52 establish an asset test for eligibility under the program.]

53 ~~[(d)]~~ (e) The commissioner shall adopt regulations in accordance
54 with chapter 54 ~~[implementing]~~ to implement the subsidized
55 guardianship program established under this section. Such regulations
56 shall require, as a prerequisite to payment of a guardianship subsidy
57 for the benefit of a minor child, that a home study report be filed with
58 the court having jurisdiction of the case of the minor within fifteen
59 days of the request for a subsidy, provided that no such report shall be
60 required to be filed if a report has previously been provided to the
61 court or if the caregiver has been determined to be a certified relative
62 caregiver by the commissioner. The regulations shall also establish a
63 procedure comparable to that for the subsidized adoption program to
64 determine the types and amounts of subsidy to be granted by the
65 commissioner as provided in subsection ~~[(c)]~~ (d) of this section, for
66 annual review of the subsidy as provided in subsection ~~[(e)]~~ (f) of this
67 section and for appeal from decisions by the commissioner denying,
68 modifying or terminating such subsidies.

69 ~~[(e)]~~ (f) The guardianship subsidy provided under this section shall
70 continue until the child reaches the age of eighteen or the age of
71 twenty-one if such child is in full time attendance at a secondary
72 school, technical school or college or is in a state accredited job training
73 program. Annually, the subsidized guardian shall submit to the
74 commissioner a sworn statement that the child is still living with and
75 receiving support from the guardian. The parent of any child receiving
76 assistance through the subsidized guardianship program shall remain
77 liable for the support of the child as required by the general statutes.

78 ~~[(f)]~~ (g) A guardianship subsidy shall not be included in the
79 calculation of household income in determining eligibility for benefits
80 of the relative caregiver of the subsidized child or other persons living
81 within the household of the relative caregiver.

82 ~~[(g)]~~ (h) Payments for guardianship subsidies shall be made from
83 moneys available from any source to the commissioner for child
84 welfare purposes. The commissioner shall develop and implement a
85 plan that: (1) Maximizes use of the subsidized guardianship program

86 to decrease the number of children in the legal custody of the
 87 Commissioner of Children and Families and to reduce the number of
 88 children who would otherwise be placed into foster care when there is
 89 a family member willing to provide care; (2) maximizes federal
 90 reimbursement for the costs of the subsidized guardianship program,
 91 provided whatever federal maximization method is employed shall
 92 not result in the relative caregiver of a child being subject to work
 93 requirements as a condition of receipt of benefits for the child or the
 94 benefits restricted in time or scope other than as specified in subsection
 95 [(c)] (d) of this section; and (3) ensures necessary transfers of funds
 96 between agencies and interagency coordination in program
 97 implementation. The Commissioner of Children and Families shall
 98 seek all federal waivers as are necessary and appropriate to implement
 99 [this] the plan.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2005</i>	17a-126
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Joint Favorable Subst. C/R

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